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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PIERLUIGI ORESTI
and PIERA AGOGLIATI

Appeal 2011-006394
Application 10/594,592
Technology Center 1700

Before BRADLEY R. GARRIS, ADRIENE LEPIANE HANLON, and LINDA M. GAUDETTE, *Administrative Patent Judges*.

PER CURIAM.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's decision[1] twice rejecting claims 15-28, the only claims pending in the Application.[2] An oral hearing was conducted on March 15, 2012. We have jurisdiction under 35 U.S.C. § 6(b).

The invention relates to a process and an apparatus for use on board of floating units for treating fluids originating from submarine oil fields. Appellants'

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[1] Office Action mailed Mar. 3, 2010.
[2] Appeal Brief filed Nov. 5, 2010 ("App. Br.").

arguments in support of patentability are directed to limitations found in the independent claims. (*See generally*, App. Br. 4-13.) Accordingly, all dependent claims stand or fall with independent claims 15 and 27.

Having considered the respective positions of the Examiner and Appellants as set forth in the Answer[3], Appeal Brief, and Reply Brief[4], we determine a preponderance of the evidence favors a conclusion of obviousness as to appealed claims 15-28. Accordingly, for the reasons expressed in the Answer, we sustain the following grounds of rejection:

1. claims 15-26 and 28 under 35 U.S.C. §103(a) as unpatentable over Sands (US 4,778,443) in view of Aarebrot (WO 2000/011313), Holm (US 3,075,918), and Choi (US 6,537,349 B2) and LaGrone (US 4,339,917), as evidenced by Webb (US 5,195,587) and Johnston (US 4,967,559) (Ans. 12-21); and

2. claim 27 as unpatentable over Sands in view of Aarebrot, Choi, and LaGrone, as evidenced by Webb and Johnston (Ans. 23-25).

We do not reach the two alternative grounds of rejection which rely solely on Sands, Aarebrot, Holm, and/or LaGrone. (*See* Ans. 4-12 and 21-22.)

Appellants' invention utilizes a combination of treatment apparatuses, i.e., gas/liquid separators, a heat exchanger, a reinjection gas compression unit, and ejectors. The Examiner has directed us to disclosure in the applied prior art which establishes that at the time of Appellants' invention, each of these apparatuses was known and used in the treatment of fluids originating from oil fields. The Examiner has convincingly explained why the ordinary artisan would have found the claimed invention to be a predictable and achievable combination of these

[3] Mailed Dec. 27, 2010 ("Ans.").
[4] Filed Feb. 25, 2011 ("Rep. Br.").

known prior art apparatuses. *KSR Int'l. Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007) (explaining that a prima facie case of obviousness is established where the Examiner demonstrates that the invention is nothing more than the predictable result of a combination of familiar elements according to known methods). The Examiner's position is reinforced by the discussion of the background art in Appellants' Specification. (*See* Spec. 1:13-3:4 (describing known floating production units as including high and low pressure separators, means for heating the oil, a reinjection gas compression unit, and a flash gas compression unit).)

According to the Specification, a key aspect of the invention is that it "reduce[s] the problems of the current art processes" by the addition of an ejector in the flash gas compression unit. (Spec. 3:15-19.) Appellants have argued "a person of ordinary skill in the art of marine oil field recovery would not look to the art of fuel delivery systems as in Lagrone to add the final missing element, ejectors, to the system of Sands," because Lagrone is primarily directed to aircraft. (App. Br. 10.) However, Appellants have not fully explained why the use of an ejector as taught by LaGrone would not have been obvious in light of Choi's teaching of using ejectors in a subsea flash gas compression system (Ans. 15-17). (*See generally*, App. Br. 11-12.) We are also in agreement with the Examiner that Appellants' arguments, in general, focus on alleged deficiencies in the apparatuses and processes of the secondary references, but fail to fully address the crux of the rejections which is based on modifications to the Sands' apparatus and process.

In sum, for the reasons expressed in the Answer and above, the Examiner has met the burden to establish a prima facie case of obviousness, and Appellants' arguments fail to identify reversible error in the Examiner's conclusion of obviousness as to claims 15-28.

The Examiner's decision to reject claims 15-28 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1).

AFFIRMED

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